

## LEGISLATIVE BILL 1033

Approved by the Governor April 19, 2002

Introduced by Wickersham, 49; Jensen, 20; Erdman, 47

AN ACT relating to the Emergency Medical Services Act; to amend section 71-5184, Revised Statutes Supplement, 2000, and section 71-5178, Revised Statutes Supplement, 2001; to change scope of practice provisions; to provide for rules and regulations; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 71-5178, Revised Statutes Supplement, 2001, is amended to read:

71-5178. The department, with the approval of the board, shall adopt and promulgate rules and regulations necessary to:

(1) Implement the Emergency Medical Services Act;

(2) Create the following certification classifications of out-of-hospital emergency care providers: (a) First responder; (b) emergency medical technician; (c) emergency medical technician-intermediate; and (d) emergency medical technician-paramedic. The rules and regulations creating the classifications shall include the practices and procedures authorized for each classification, training and testing requirements, recertification requirements, and other criteria and qualifications for each classification determined to be necessary for protection of public health and safety;

(3) Provide for curricula which will allow out-of-hospital emergency care providers and users of automated external defibrillators as defined in section 71-51,102 to be trained for the delivery of practices and procedures in units of limited subject matter which will encourage continued development of abilities and use of such abilities through additional authorized practices and procedures;

(4) Establish procedures and requirements for applications for examination, certification, or recertification in any of the certification classifications created pursuant to the Emergency Medical Services Act;

(5) Provide for the licensure of basic life support services and advanced life support services. The rules and regulations providing for licensure shall include standards and requirements for: Vehicles, equipment, maintenance, sanitation, inspections, personnel, training, medical direction, records maintenance, practices and procedures to be provided by employees or members of each classification of service, and other criteria for licensure established by the department with the approval of the board;

(6) Authorize emergency medical services to provide differing practices and procedures depending upon the qualifications of out-of-hospital emergency care providers available at the time of service delivery. No emergency medical service shall be licensed to provide practices or procedures without the use of personnel certified to provide the practices or procedures;

(7) Authorize out-of-hospital emergency care providers to perform any practice or procedure which they are authorized to perform with an emergency medical service other than the service with which they are affiliated when requested by the other service and when the patient for whom they are to render services is in danger of loss of life;

(8) Provide for the approval, inspection, review, and termination of approval of training agencies and establish minimum standards for services provided by training agencies. All training for certification shall be provided through an approved or accredited training agency;

(9) Provide for the minimum qualifications of a physician medical director in addition to the licensure required by subdivision (10) of section 71-5175;

(10) Provide for the use of physician medical directors, qualified physician surrogates, model protocols, standing orders, operating procedures, and guidelines which may be necessary or appropriate to carry out the purposes of the act. The model protocols, standing orders, operating procedures, and guidelines may be modified by the physician medical director for use by any out-of-hospital emergency care provider or emergency medical service before or after adoption;

(11) Establish criteria for approval of organizations issuing cardiopulmonary resuscitation certification which shall include criteria for instructors, establishment of certification periods and minimum curricula, and other aspects of training and certification;

(12) Establish recertification and renewal requirements for

out-of-hospital emergency care providers and emergency medical services and provide for compliance with recertification requirements by one of the following methods: (a) Continuing education; (b) achieving a department-prescribed level of performance on a written and practical skills test; or (c) verification by a physician medical director or qualified physician surrogate that the applicant is qualified for recertification. The recertification requirements for out-of-hospital emergency care providers shall allow recertification at the same or any lower level of certification for which the out-of-hospital emergency care provider is determined to be qualified;

(13) Establish criteria for deployment and use of automated external defibrillators as necessary for the protection of the public health and safety; ~~and~~

(14) Create certification, recertification, and renewal requirements for emergency medical service instructors. The rules and regulations shall include the practices and procedures for certification, recertification, and renewal; ~~and~~

(15) Establish criteria for emergency medical technicians-intermediate and emergency medical technicians-paramedic performing activities within their scope of practice at a hospital or health clinic under subsection (3) of section 71-5184. Such criteria shall include, but not be limited to: (a) Requirements for the orientation of registered nurses, physician assistants, and physicians involved in the supervision of such personnel; (b) supervisory and training requirements for the physician medical director or other person in charge of the medical staff at such hospital or health clinic; and (c) a requirement that such activities shall only be performed at the discretion of, and with the approval of, the governing authority of such hospital or health clinic. For purposes of this subdivision, health clinic has the definition found in section 71-416 and hospital has the definition found in section 71-419.

All certificates and licenses issued under the act shall expire at midnight on December 31 the third year after issuance.

Sec. 2. Section 71-5184, Revised Statutes Supplement, 2000, is amended to read:

71-5184. (1) An out-of-hospital emergency care provider other than a first responder as classified under section 71-5178 may not assume the duties incident to the title or practice the skills of an out-of-hospital emergency care provider unless he or she is employed by or serving as a volunteer member of an emergency medical service licensed by the department.

(2) An out-of-hospital emergency care provider may only practice the skills he or she is authorized to employ and which are covered by the certificate issued to such provider pursuant to section 71-5181.

(3) An emergency medical technician-intermediate or an emergency medical technician-paramedic may volunteer or be employed at a hospital as defined in section 71-419 or a health clinic as defined in section 71-416 to perform activities within his or her scope of practice within such hospital or health clinic under the supervision of a registered nurse, a physician assistant, or a physician. Such activities shall be performed in a manner established in rules and regulations adopted and promulgated by the department with approval of the board. ~~except as provided in subdivision (7) of section 71-5178.~~

Sec. 3. Original section 71-5184, Revised Statutes Supplement, 2000, and section 71-5178, Revised Statutes Supplement, 2001, are repealed.